

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATALIE SOTO,

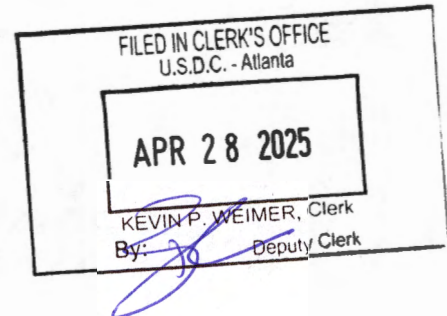
Plaintiff,

v.

WENDELL HOLMES, JR.,

Defendant.

Civil Action No. 1:24-cv-02911-SDG.



**DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S UNAUTHORIZED
SURREPLY [DOC. 55]**

COMES NOW Defendant Wendell Holmes, Jr., pro se, and pursuant to Local Rule 7.1(C) and the Court's inherent authority, moves to strike Plaintiff's April 21, 2025 filing [Doc. 55], which functions as an unauthorized surreply to Plaintiff's Motion for Summary Judgment.

1. No Rule or Local Rule Permits a Surreply

Neither the Federal Rules nor Local Rule 7.1(C) authorizes a second response after a reply brief. Surreplies are allowed only by leave of Court—and only when new arguments first appear in reply. *Byrom v. Delta Family Care*, 343 F. Supp. 2d 1163, 1188 (N.D. Ga. 2004).

2. Doc. 55 Raises New Argument Without Leave

Plaintiff's Reply [Doc. 51] presented no new arguments; it simply responded to Defendant's opposition. Doc. 55 now injects new factual claims and legal theories never raised in the motion or reply, in breach of Rule 7.1(C).

3. Prejudice and Judicial Economy

Allowing this unauthorized brief undermines the briefing schedule, prejudices Defendant, and risks an endless volley of filings. *Garrison v. Northeast Ga. Med. Ctr.*, 66 F. Supp. 2d 1336, 1340 (N.D. Ga. 1999).

PRAYER FOR RELIEF

Defendant respectfully requests the Court:

1. Strike Plaintiff's Doc. 55 in its entirety;
2. Decline to consider any arguments raised therein; and
3. Grant such further relief as is just and proper.

Respectfully submitted this 28th day of April, 2025.



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Certificate of Service

I hereby certify that on April 28th, 2025, I filed this Motion to Strike via email, which will serve counsel of record:

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